

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	EB-05-BS-077
Gary Toussaint	)	
	)	NAL/Acct.No: 200632260003
Mattapan, MA	)	
	)	FRN No. 0014744007
	)	

**FORFEITURE ORDER**

**Adopted:** February 7, 2007

**Released:** February 9, 2007

By the Regional Director, Northeast Region, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Gary Toussaint for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended (“*Act*”),<sup>1</sup> by operating an unlicensed radio transmitter on the frequency 102.9 MHz in Mattapan, MA.

2. On March 8, 2006, the Commission’s Boston Field Office issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$10,000 to Toussaint.<sup>2</sup> On May 15, 2006, Toussaint submitted a response to the *NAL* and requested cancellation of the proposed forfeiture based on his inability to pay. Toussaint stated in the response that documentation in support of his request would be submitted under separate cover. To date, no such documentation has been submitted.<sup>3</sup> Accordingly, based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“*Act*”),<sup>4</sup> and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,<sup>5</sup> Gary Toussaint **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for willfully and repeatedly violating 47 U.S.C. § 301.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) days of the release of this *Order*. If the forfeiture is not paid within the period

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<sup>1</sup> 47 U.S.C. § 301

<sup>2</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200632260003 (Enf. Bur., Boston Office, released March 8, 2006).

<sup>3</sup> Counsel for Toussaint was contacted and FCC staff was advised that he no longer represents Toussaint. FCC staff also sought, unsuccessfully, to obtain the necessary documentation directly from Toussaint.

<sup>4</sup> 47 U.S.C. § 503(b).

<sup>5</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.<sup>6</sup> Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under an installment plan should be sent to: Associate Managing Director, Financial Operations, 1A625, 445 12th Street, S.W., Washington, D.C. 20554.<sup>7</sup>

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Gary Toussaint at his address of record.

**FEDERAL COMMUNICATIONS COMMISSION**

Russell Monie, Jr.  
Regional Director, Northeast Region  
Enforcement Bureau

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<sup>6</sup> 47 U.S.C. § 504(a).

<sup>7</sup> See 47 C.F.R. § 1.1914.